

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RICARDO BARRAZA,

Defendant.

8:04-CR-447

ORDER

This matter is before the Court on several of the defendant's *pro se* Motion to Reconsider the Court's previous denial of his Motion for Compassionate Release. [Filing 283](#) (Motion to Reconsider); [Filing 282](#) (Order denying Motion for Compassionate Release). The defendant asserts three grounds for reconsidering the Court's prior order denying compassionate release: he has a serious medical condition; he has a child with developmental issues; and he has matured during his incarceration. [Filing 283 at 1](#).

Although the Eighth Circuit has not yet decided "whether to import the civil motion for reconsideration standard into the criminal context," *United States v. Luger*, 837 F.3d 870, 876 (8th Cir. 2016), the Court will nevertheless consider the merits of the defendant's Motion. Motions for reconsideration "serve the limited function of correcting manifest errors of law or fact or . . . present[ing] newly discovered evidence." *Id.* (quoting *Bradley Timberland Res. v. Bradley Lumber Co.*, 712 F.3d 401, 407 (8th Cir. 2013)). Moreover, "a district court's denial of a motion for reconsideration" is reviewed for an "abuse of discretion." *United States v. King*, 854 F.3d 433, 443 (8th Cir. 2017).

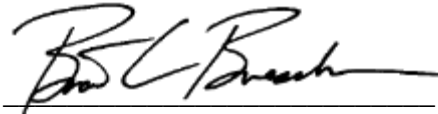
The defendant failed to identify any "manifest errors of law or fact." The Court assumed without deciding in its previous Order "that the defendant has alleged medical circumstances that

could constitute ‘[e]xtraordinary and compelling reasons warrant[ing] reduction’ of his sentence,” but nonetheless denied relief after weighing the pertinent factors under [18 U.S.C. § 3553\(a\)](#). [Filing 282 at 3](#)–5. Nor do the defendant’s alleged maturity or his child’s developmental issues change the Court’s previous analysis and conclusion that the defendant’s release would “be contrary to [18 U.S.C. § 3553\(a\)](#).” Accordingly,

IT IS ORDERED that the defendant’s Motion to Reconsider, [Filing 283](#), is denied.

Dated this 12th day of March, 2025.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'B. C. Buescher', written over a horizontal line.

Brian C. Buescher
United States District Judge